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8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
9 SOUTHERN DIVISION

10 ENTROPIC COMMUNICATIONS, LLC, §
11 Plaintiff, §

12 v. §

13 DISH NETWORK CORPORATION, §
et al., §
14 Defendants. §

15 _____ §
16 ENTROPIC COMMUNICATIONS, LLC, §
Plaintiff, §

17 v. §

18 COX COMMUNICATIONS, INC., et al., §
19 Defendants. §
20

Case No. 2:23-cv-01043-JWH-KES
LEAD CASE
Case No. 2:23-cv-01049-JWH-KES
LEAD CASE

Hon. John W. Holcomb
Special Master David M. Keyzer

SPECIAL MASTER ORDER

No. SM-13 AND

SPECIAL MASTER MINUTES

Pursuant to the Court’s July 5, 2023 Order Appointing David Keyzer, Esq. as Special Master for Discovery Purposes (Civil Action No. 2:23-cv-1043, Dkt. 74; Civil Action No. 2:23-cv-1049, Dkt. 62), and further pursuant to the Court’s grant of consolidations (Civil Action No. 2:23-cv-1043, Dkt. 129, Oct. 13, 2023 Order; Civil Action No. 2:23-cv-1049, Dkt. 95, Oct. 16, 2023 Order) and the discovery dispute resolution procedure agreed upon by the parties and adopted by the Special Master (Civil Action No. 2:23-cv-1043, Dkt. 85-1, Aug. 4, 2023 Special Master Order No. SM-2; Civil Action No. 2:23-cv-1049, Dkt. 70-1, Aug. 4, 2023 Special Master Order No. SM-2), the Special Master held a discovery hearing on February 5, 2024. (*See* Dkt. 206-1, Jan. 31, 2024 Special Master Order No. SM-12 (setting hearing).)

I. SPECIAL MASTER MINUTES

At the February 5, 2024 discovery hearing, the parties appeared as follows:

<u>Present for Plaintiff Entropic</u>	<u>Present for Cox Defendants</u>	<u>Reporter</u>
Christina Goodrich Cassidy Young	Courtney Dabbieri April Isaacson Sarah Kamran	Victoria Guerrero

The Special Master convened the discovery hearing at 9:30 A.M. Pacific Time, heard arguments by Christina Goodrich on behalf of Entropic Communications, LLC (“Entropic”) and by Courtney Dabbieri on behalf of Cox Communications, Inc.,

CoxCom LLC, and Cox Communications California, LLC (collectively, “Cox” or the “Cox Defendants”), ruled as summarized below, and adjourned at 10:18 A.M.

II. SPECIAL MASTER ORDER

The Requests for Production (“RFPs”) at issue are the Cox Defendants’ RFPs 1–3, which are as follows:

1. All Documents, Communications, Things, interrogatory responses, and requests for admission responses that You produced or served in Any other litigation that involves Any of the Asserted Patents.

2. All deposition transcripts and exhibits referenced therein in Any other litigation that involves Any of the Asserted Patents.

3. All Documents, Communications, and Things that You received in response to any subpoenas issued to third parties in This Litigation or any other litigation.

At the February 5, 2024 hearing, the parties presented no objections to the relief granted in Special Master Order No. SM-12, namely that “Entropic shall produce the[] expert reports [from the Charter Litigation (Civil Action No. 2:22-cv-125 (E.D. Tex.))] to the Cox Defendants in the present case no later than February 20, 2024, unless Entropic receives an objection from a designating party, in which case Entropic shall immediately present any such objections to the Special Master and shall await further instructions from the Special Master before producing expert report(s) as to which an objection has been received.” (Dkt. 206-1, Jan. 31, 2024 SM-12.)

For the reasons stated on the record during the February 5, 2024 hearing, the Special Master further ORDERED:

1 (1) As to RFP 1, Entropic shall produce, no later than **February 22, 2024**, its
2 responses to interrogatories and requests for admissions from the Charter Litigation. As
3 for “Documents, Communications, [and] Things,” Entropic submitted that in the present
4 case Entropic has already produced what Entropic produced in the Charter Litigation.

5 (2) As to RFP 2, Entropic shall produce, no later than **February 22, 2024**,
6 deposition transcripts (and exhibits referenced therein) from the Charter Litigation for
7 Entropic’s own fact and expert witnesses. The Special Master denied the request as to
8 non-Entropic witnesses but with an expectation that deposition transcripts should be
9 produced for any expert witnesses for whom Entropic produces expert reports pursuant to
10 SM-12. As for other witnesses, the Cox Defendants argued, for example, that Entropic’s
11 counsel’s questions during those depositions could bear upon Entropic’s interpretation of
12 the patent claim language. The Special Master found this argument unpersuasive as
13 being too speculative and tangential. Also, the Charter Litigation involved different
14 accused products, and the Cox Defendants have not adequately shown the relevance of
15 those other witnesses to the present cases.

16 (3) As to RFP 3, the Special Master found the request overbroad. For example, it
17 is not limited to the asserted patents. Also, this request attempts to shift to Entropic the
18 burdens of third party discovery (including obtained third party permission, as well as
19 potentially extensive redactions) without any showing of what particular information the
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1 Cox Defendants need. Further, the Cox Defendants are at least as well positioned as
2 Entropic to seek third party discovery.

3 Any relief not expressly granted above is denied. No fees are awarded.

4 IT IS SO ORDERED.

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7 Dated:

February 7, 2024

By:

David M. Keyzer

8 David M. Keyzer
9 Special Master
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